

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:09CR4

UNITED STATES OF AMERICA

VS.

JULIUS HILLARD

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ORDER

THIS MATTER is before the Court on Defendant's motion for reconsideration of denial of appeal filed on March 16, 2009. The motion is denied.

Defense counsel contends that she intended to file a brief supporting Defendant's appeal of the Magistrate Judge's detention order.

Defendant's Motion, at 2-3. Because the notice of appeal contains no mention of any such intention to file supporting materials, the Court had no notice that Defendant wished to supplement the existing record. **See Notice of Appeal, filed March 12, 2009.** Under 18 U.S.C. § 3145(c), an appeal from a detention order must be determined promptly. The notice of appeal was filed on March 12, 2009. This Court carefully reviewed the

detention order and made “an independent determination of the proper pretrial detention or conditions of release.” **Order, filed March 16, 2009, at 2 (quoting *United States v. Stewart*, 19 F. App’x 46, 47 (4th Cir. 2001))**. In concluding the Magistrate Judge reached a proper decision, the Court conducted a *de novo* review of the order of detention, the FTR recording of the detention hearing which includes the arguments of defense counsel and counsel for the Government, and the applicable law. The Court further finds that any supplement prepared by counsel would not raise any new grounds or novel arguments not heretofore considered by the Court.

IT IS, THEREFORE, ORDERED that Defendant’s motion for reconsideration is **DENIED**.

Signed: March 17, 2009



Lacy H. Thornburg
United States District Judge

